

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JASON W. BLANK,

Plaintiff,

ORDER

v.

07-cv-320-bbc

MICHAEL ASTRUE,
Commissioner of Social Security,

Defendant.

On December 10, 2007, judgment was entered remanding this case to the Social Security Administration. Plaintiff was represented in this court by attorney Dana Duncan. On remand, the commissioner issued a favorable decision and determined that plaintiff was entitled to past-due benefits. On April 29, 2008, I awarded plaintiff attorney fees under the Equal Access to Justice Act in the amount of \$7,518.48.

Now before the court is plaintiff's motion for an order authorizing attorney fees under § 206(b)(1) of the Social Security Act, codified at 42 U.S.C. § 406(b)(1). Plaintiff is seeking approval of attorney fees to Duncan in the amount of \$4,440.51. This amount represents 25 percent of plaintiff's past-due benefits, less the \$7,318.48 that Duncan was previously awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412(d). The amount sought

by Duncan is consistent with his contingent fee contract with plaintiff, in which plaintiff agreed to pay his lawyer 25 percent of any past-due benefits awarded to him.

Having considered the fee agreement, the amount of time counsel spent on this case, the excellent results he obtained for plaintiff and the lack of any objection by defendant, I will grant plaintiff's motion. The fees requested by counsel are reasonable.

ORDER

IT IS ORDERED that plaintiff's motion for an order approving an award of attorney fees pursuant to 42 U.S.C. § 406(b) is GRANTED. Plaintiff's attorney, Dana Duncan, is entitled to attorney fees in the amount of \$4,440.51, which is 25 percent of plaintiff's past-due benefits, less the \$7,318.48 that Duncan was previously awarded. The award of \$4,440.51 should be made payable directly to Duncan.

Entered this 9th day of August, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge